

**Before the  
Federal Communications Commissions  
Washington, D.C.**

SkyWay Aircraft, Inc.  
6021 142<sup>nd</sup> AV N.  
Clearwater, Fl 33760

In the Matter of : WT Docket No. 03-103  
:   
Amendment of Part 22 of the : Comments of proposed Rule Making in  
: Docket No. 03-103  
Commission's Rules to Benefit the :   
:   
Consumers of Air-Ground :   
:   
Telecommunications Services :   
:   
:   
:   
Biennial Regulatory Review - :   
:   
Amendment of Parts 1, 22, and 90 of  
the Commission's Rules

---

Comments

On Notice of Proposed Rulemaking

## **I. Introduction**

In 2003 and 2004, Skyway Aircraft, Inc. (Skyway) began reconstructing the old AT&T/Claircom ATG network and equipment, with the intention of providing air-to-ground (ATG) services to the public and aircraft carriers. Skyway believes the public is grossly underserved in this area. The current bandwidth can accommodate, and was intended for, at least six providers. As of 3-19-04 Skyway has been granted a Special Temporary Authorization (STA) to broadcast from additional 74 locations through out the United States. Along with the 74 location the FCC previously granted Skyway an STA for 40 locations. Skyway is now in the process of reconstructing this network and plan to submit an additional 22 locations for approval by the FCC. Skyway believes by being granted the STA by the FCC, it has permission to proliferate its new technology within the guidelines of the Existing ATG license and STA they have been granted. Skyway also believes that it was the intent of the FCC to allow Skyway to enter into the ATG market to compete with other participants which helps drive innovation and assist in making the skies safer for the flying public.

Skyway is requesting that the FCC allow it to continue the reconstruction of the network and participate as a competitor to provide ATG services. At this time the FCC has issued an STA to Skyway for 114 locations. Our efforts to complete reconstruction have been extensive and costly. These efforts have been made with the understanding that Skyway will be allowed to finish reconstruction and participate in assisting Homeland Security to protect the flying public along with offering an enhanced line of products.

The Skyway system will, when fully deployed, provide air to ground connection of up to 15Mps, wireless high-speed internet, telephone services, advanced in-flight entertainment with on-demand video/audio monitored security services, a Flight Management Avionics Data Link (FMADL) for aircraft maintenance support, and archiving of aircraft data. The Skyway system will achieve these services within the parameters of the STA and ATG license.

In order to facilitate the growth of these services, and the services of other potential entrants, the Commission should retain the present spectrum requirements within the 849-851 MHz ground to air and the 894-896 MHz air to ground bandwidths, and as noted below consider the expansion of the bandwidth for ATG services.

By utilizing new technologies, new entrants, such as Skyway can provide the public with the capability for simultaneous telephone calls from the aircraft by using voice over IP. This utilization of the bandwidth will permit users to make more calls per plane at a lower price to the consumer. For example, this method can incorporate the normal call setup structure that is described in the existing license structure. A call can be set up on one of the available 29, 6 KHz channels. Each 6 KHz channel can carry more than one conversation and be delivered to a backbone network which will be converted back to its original format and sent to the PSTN (Public Switched Telephone Network) via a vendor to be selected.

The present bandwidth allocation allows Skyway and other potential entrants to cooperate and comply with all provisions of the existing ATG license. The present allocation permits licensees to work closely with other licensees to

assure that each does not interfere with the other and allows the management of existing capacity for fair access to all 29 channels per channel block.

## **II. Skyway's Approach to the Existing Bandwidth.**

Skyway's intent is to reconstruct the previous AT&T/Claircom ATG network under the provisions of the original license as modified to meet new technologies and Commission requirements. It will undertake the task of rebuilding the network, reinstatement of the ATG communications network to the aircraft and finding additional ways in making that connection profitable. Skyway's current plan is to use this license to provide more economical in-flight communications, with the current bandwidth, Skyway and other new entrants, will be in a position to provide enhanced services that include providing in-flight entertainment services; such as internet access, on-demand movies, GPS services, destination and flight information, in-flight aircraft systems management services and a variety of other airline services.

In addition to the ATG network, it is Skyway's plan to utilize the associated nationwide ground network to provide the foundation and solutions to other of the Homeland Security issues. The current license structure and available bandwidth will promote this growth in uses. Some of these solutions will include the transmission and recording services of real-time video surveillance coverage within the aircraft and transporting that data to ground monitoring stations. Skyway Aircraft will have the ability to provide a wide variety of services for aircraft security in concert with the Department of Homeland Security, commercial airlines, private aircraft and the flying public, in general. Some of the additional applications that would be available by utilizing the Skyway system and the nationwide ground

network would be communications, surveillance and monitoring networks for airports, ports authority, dams and nuclear power plants, gas and oil facilities, monitoring of shipping containers, emergency medical services and a host of other emergency communications network applications.

Given that the FCC has granted Skyway Aircraft an STA for a total of 114 locations throughout the United States it has taken measures to implement this network on the ground as well as in the air. Skyway is working with Airbase Services Inc. who managed the installation and maintenance of all of the aircraft equipped with the Claircom/AT&T Wireless system. By taking these measures Skyway has demonstrated a commitment to reestablishing the ATG system.

**III. Skyway Aircraft believes that the Commission should not modify the rules or release the bandwidth except to expand it for ATG Services.**

The Commission should allow new entrants, like Skyway, to reconstruct the old AT&T Wireless/Claircom system and use the existing license structure to provide new and innovative services to the flying public. Skyway has technology to improve on-board services to the flying public, (commercial,

private and government), within the parameters of the existing license. Changes in the rule at this time would not allow Skyway to enter the ATG market under the present license structure. At this time Skyway has been granted an STA for a total of 114 sites and is presently in the reconstruction process. As stated earlier, Skyway believes it was the intent of the FCC to issue it the STAs to promote competition and allow Skyway to reconstruct the old AT&T Wireless/Claircom network.

Skyway encourages the Commission to continue to allow competitors to participate in the ATG market to develop new services to meet the demands of national security and the Department of Homeland Security. Skyway has the technology to play a role in ensuring the safety of the commercial and private flying public. Present technology provides the ability for real time video and high-speed data to and from an aircraft within the bandwidth.

Skyway believes by modifying the rules to "exclusive use" for the present license holder, Verizon, or to abandon the bandwidth would stifle the entry of other competitors and eliminate the continuing innovation of products that will make the publics flying experience more comfortable and safe.

Skyway asserts the existing satellite market should compliment the terrestrial network that Skyway intends to activate under this license. The interaction between the terrestrial and celestial providers of ATG service would benefit the industries ability to secure the skies and provide new services to intercontinental passengers. For this to occur, the present bandwidth allocation is necessary.

Skyway entry into the ATG arena eliminates the appearance of one participant as a monopoly and increases the interest of others to enter the market and

bring new and innovative products. This increase in competition will address the fact that sixty percent of commercial aircraft no longer have air-ground communications service available to passengers.

Skyway believes that the events of 9-11 have inspired the industry to be more proactive about airline security and public safety. With this new interest in ATG services, Skyway believes there will be more participants to accomplish the goal of more security measures for the flying public.

Skyway agrees with Verizon's position to allocate more bandwidth within the 800MHZ band but does not agree with "exclusive use". Allocating more bandwidth will entice more participants in ATG and in turn new innovation.

.

#### **IV. Conclusion**

For the foregoing reasons, Skyway, requests that we be allowed to continue to reconstruct the network. Skyway also requests that the Rule not be eliminated and that the allocation for ATG licenses be expanded within in the 800 MHz band.

Respectfully submitted,

James Kent

Skyway Aircraft, Inc.